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4 CSR 240-29.010 The LEC-to-LEC Network

PURPOSE: This rule describes the LEC-to-LEC network and adopts restrictions for use of that network.

The LEC-to-LEC Network is that part of the telecommunications network designed and used by telecommunications companies for the purposes of originating, terminating, and transiting local, intrastate/intraLATA, interstate/intraLATA, and wireless telecommunications services that originate via the use of feature group C protocol, as defined in 4 CSR 240-29.020 (13) of this chapter. InterLATA wireline telecommunications traffic, and interstate/interMTA wireless traffic shall not be transmitted over the LEC-to-LEC network, but must originate and terminate telecommunications traffic with the use of an interexchange carrier point of presence, as defined in 4 CSR 240-29.020 (31) of this chapter.

4 CSR 240-29.020 Definitions

PURPOSE: This rule defines various terms that are used in this chapter.

(1) A 1,000-Number Block (NPA-NXX-X) is a range of one thousand (1,000) pooled telephone numbers within the NPA-NXX beginning with a station of n000, and ending with n999, where n is a digit from 0 through 9.

(2) Automatic Number Identification (ANI) means, for each call, delivery of the calling party's billing number sequentially from the originating carrier to each carrier that provides facilities to transit or terminate the call. ANI is used for billing purposes, and for delivery of the calling party's number to the called party.

(3) Aggregate Traffic means telecommunications traffic that is not transiting traffic, but which is placed on the LEC-to-LEC network by one carrier on behalf of another carrier.

(4) CIC (Carrier Identification Code) is a four-digit number assigned to interexchange carriers in North America and used through equal access arrangements.

(5) A Category 11-01-XX Record is a mechanized individual call detail record developed in compliance with the Ordering and Billing Forum (OBF) exchange message interface (EMI) industry guidelines. The first two digits in this record are "11."

(A) A Missouri-Specific Category 11-01-XX Record is a mechanized individual call detail record for feature group C (FGC) traffic developed by the incumbent local exchange carriers in Missouri for intercompany settlements pursuant to the MoPSC Report and Order in Case No. TO-99-254. This record contains data transferred from a 92-01-XX mechanized call detail record. The first two digits in this record are "11." This type of call record is identical to a category 11-01-XX record except that it contains an originating operating company number (OCN) in positions 167 through 170 instead of a CIC in positions 46 through 49.

- (6) A Category 92-01-XX Record is a mechanized individual call detail record that contains data from the standard EMI category 01-01-XX end user customer billing record for LEC-carried intraLATA traffic. The first two digits in this record are “92.”
- (7) A Category 92-99-XX Record is a mechanized summary record which, when agreed upon by both parties, may be used for intercompany settlements between local exchange carriers in lieu of a category 11-01-XX record. This record contains summaries of certain data contained in category 92-01-XX mechanized individual call detail records and contains information on the type and volume of traffic between the originating and terminating points. It also identifies the transiting parties on the call path between the originating and terminating points. The first two digits in this record are “92.”
- (8) Compensable Traffic is telecommunications traffic that is transited or terminated over the LEC-to-LEC Network, for which the transiting and/or terminating carrier is entitled to financial compensation.
- (9) “EMI” (Exchange Message Interface System) is the industry standard for exchanging telecommunications message information for billable, nonbillable, sample settlement and study records. EMI documents are published by ATIS (Alliance for Telecommunications Industry Solutions).
- (10) An End Office is a building or space within a building that serves as an aggregation point for the provision of local exchange services and exchange access services. An end office may also serve as an aggregation point for placing traffic on the LEC-to-LEC network on behalf of other carriers.
- (11) Feature Group A Protocol (FGA) is an interexchange switching arrangement available from the end offices of an incumbent local exchange carrier, which offers line-side connections that are accessible by dialing a seven-digit local telephone number.
- (12) Feature Group B Protocol (FGB) is an interexchange switching arrangement available from the end offices of an incumbent local exchange carrier, which offers trunk-side connections accessible by dialing seven digits, the first three of which are 9, 5 and 0.
- (13) Feature Group C Protocol (FGC) is a local and interexchange switching arrangement offering trunk-side connections, which is used for local telecommunications traffic, intraLATA wireline telecommunications traffic, and intraMTA wireless communications traffic. FGC protocol does not utilize interexchange carrier point-of-presence trunking arrangements for call origination, call transiting, or call termination.
- (14) Feature Group D Protocol (FGD) is an interexchange switching arrangement, available from incumbent local exchange carriers in an equal access environment, which offers trunk-side connections accessible in wireline telecommunications by dialing one plus (1+) the telephone number. FGD protocol utilizes interexchange carrier point-of-presence trunking arrangements for both call origination and call termination.

(15) IXC (interexchange carrier) traffic is that traffic which traverses an interexchange carrier point of presence.

(16) In-Band Signaling means call setup signaling that is composed of tones that pass within the voice frequency band and that are carried along the same circuit as the talk path that is being established by the signals.

(17) LATA (Local Access and Transport Area) means that term as defined in section 386.020 (29) RSMo Supp. 2003. LATAs are contiguous geographic areas approved by the U.S. District Court for the District of Columbia in *United States v. Western Electric*, Civil Action No. 82-0192, which defines the permissible areas of operation for the Bell Operating Companies.

(A) IntraLATA Telecommunications Traffic is telecommunications traffic originating and terminating within the same LATA.

(B) InterLATA Telecommunications Traffic is telecommunications traffic originating and terminating in different LATAs.

(18) The LEC-to-LEC (Local Exchange Carrier-to-Local Exchange Carrier) Network is a statewide telecommunications network comprised of transmission and switching capabilities of local exchange telecommunications carriers. The LEC-to-LEC network's geographic composition consists of the 520, 521, 522, and 524 LATAs. The LEC-to-LEC network is used to provide local, intrastate/intraLATA, interstate/intraLATA, and wireless telecommunications traffic that originates via the use of feature group C protocol.

(19) LEC-to-LEC Traffic is that traffic occurring over the LEC-to-LEC network. LEC-to-LEC traffic does not traverse through an interexchange carrier's point of presence.

(20) The Local Exchange Routing Guide (LERG) is a Telcordia reference document used by telecommunications companies to identify NPA-NXX routing and homing information, as well as network element and equipment designations. The LERG reflects the current network configuration and scheduled network changes for all entities originating or terminating public switched telephone network calls within the North American numbering plan.

(21) MCA (Metropolitan Calling Area) Traffic is telecommunications traffic that is originated, transited, and/or terminated pursuant to terms and conditions the Public Service Commission established in MoPSC Case Numbers TO-92-306 and TO-99-483.

(22) Meet Point Billing (MPB) is a billing arrangement used to bill the switched access customer when feature group B or D services are ordered and jointly provided by two or more local exchange carriers, as described in the Multiple Exchange Carrier Access Billing (MECAB) industry document.

(23) MoPSC means the Missouri Public Service Commission.

(24) MTA (Major Trading Area) means that term as defined in 47 C.F.R. Section 24.202(a).

(A) IntraMTA Telecommunications Traffic is telecommunications traffic that originates and terminates within the same major trading area (MTA). For purposes of determining whether or not a wireless-originated telecommunication is intraMTA, the location of the initial cell site when a call begins shall be used as the determinant of the geographic location of the mobile caller.

(B) InterMTA Telecommunications Traffic is telecommunications traffic that originates in one MTA and terminates in a different MTA. For purposes of determining whether or not a wireless-originated telecommunication is interMTA, the location of the initial cell site when a call begins shall be used as the determinant of the geographic location of the mobile caller.

(25) Numbering Plan Area means a telephone area code.

(26) NPA-NXX means a group of ten thousand (10,000) telephone numbers within a numbering plan area where the second N represents a digit from 2 to 9 and X represents any digit from 0 to 9.

(27) Operating Company Number (OCN) is a four-position alphanumeric field that identifies a local exchange carrier.

(28) Originating Caller Identification is the ten-digit telephone number of the caller who originates the telecommunication that is placed on the LEC-to-LEC network. This feature is also known as caller I.D. (CID), calling number delivery (CND), calling party number (CPN), and automatic number identification (ANI).

(29) Originating Carrier means the telecommunications company that is responsible for originating telecommunications traffic that traverses the LEC-to-LEC network. A telecommunications company whose retail telecommunications services are resold by another telecommunications company shall be considered the originating carrier with respect to such telecommunications for the purposes of this rule. A telecommunications company performing a transiting traffic function is not an originating carrier.

(30) Originating Tandem Carrier means a tandem switch provider who directly interconnects with an originating carrier or traffic aggregator when more than one tandem switch is used for traffic that traverses the LEC-to-LEC network.

(31) Point of Presence (POP) means the physical location within a LATA where an interexchange carrier processes long distance telephone calls to and from the public switched network. A POP is connected to the public switched network through the use of feature groups A, B, and D protocols. Equipment located in a POP does not use feature group C protocol.

(32) A Reseller is a telecommunications company that resells the retail telecommunications service of another telecommunications company as described in Section 386.020 RSMo Supp. 2003, and also includes those companies utilizing the network of another telecommunications company pursuant to section 251(c) 4 of Chapter 47 of the United States Code.

(33) Tandem Switch means an intermediate telecommunications company switching center serving to connect central offices when direct interoffice trunks between those central offices are not available. Tandem switches connect trunks to trunks, but tandem switches do not connect directly to any customer telephone lines.

(34) Telecommunications Company means, for the purposes of this chapter only, a telecommunications company that includes those companies included within the definition as set forth in section 386.020(51) RSMo Supp. 2003 and also includes companies providing radio communications services under license granted pursuant to the Federal Communications Commission's commercial mobile radio services (CMRS) rules and regulations.

(35) Telecommunications Traffic means a quantity of attempted and completed telecommunications occurring over a telecommunications facility.

(36) Terminating Carrier means any telecommunications company who provides call completion on the LEC-to-LEC Network.

(37) Terminating Tandem Carrier means a tandem switch provider who directly interconnects with a terminating carrier when more than one tandem switch is used for traffic traversing the LEC-to-LEC network.

(38) Traffic Aggregator means a telecommunications company who, at an end-office location, places traffic on the LEC-to-LEC network on behalf of another telecommunications company. A traffic aggregation function differs from a transiting function, in that traffic aggregation occurs at an end office, whereas a transiting traffic function occurs at a tandem office.

(39) Transiting Carrier means any telecommunications company that provides facilities on the LEC-to-LEC network over which a telecommunication is transmitted, when the telecommunication neither originates nor terminates on that telecommunications company's network.

(40) Transiting Traffic means telecommunications traffic transmitted over the LEC-to-LEC network by a telecommunications company, which traffic neither originates nor terminates on that telecommunications company's network.

(41) Type I Wireless Interconnection is a type of interconnection between a wireless service provider switch and a local exchange carrier end office, in which the telephone number of the wireless customer resides within the local exchange carrier's switch as opposed to the wireless service provider's switch. Telephone numbers associated with type I wireless interconnection may be provided in blocks of 10,000 (i.e., an entire NXX prefix) or may be less than a block of 10,000, and may be provided in a shared arrangement with the wireline telephone numbers.

(42) Unbundled Network Elements (UNE) are physical and functional elements of an incumbent local exchange carrier's network infrastructure, which are made available to competitors on an unbundled basis. Such elements include but are not limited to local loops, switch ports, and dedicated and common transport facilities.

(43) An Unbundled Network Element Platform (UNE-P) is a specific set of UNEs (loop, switch port and transport) combined in order to make an end-to-end circuit.

(44) Wireline Communications means all telecommunications traffic other than telecommunications traffic originated pursuant to authority granted by the U.S. Federal Communications Commission's commercial mobile radio services rules and regulations.

(45) A Wireline Carrier is any carrier providing wireline communications.

4 CSR 240-29.030 General Provisions

PURPOSE: This rule describes, in general terms, the provisions of this chapter.

(1) Telecommunications companies may originate, transit, and terminate telecommunications traffic utilizing the LEC-to-LEC network only upon compliance with the rules set forth in this chapter. Any request for variance from the rules set forth in this chapter must be made to the Missouri Public Service Commission pursuant to 4 CSR 240-2.060 (4).

(2) No originating wireless carrier shall place interstate interMTA traffic on the LEC-to-LEC network.

(3) No originating wireline carrier shall place interLATA traffic on the LEC-to-LEC network.

(4) No carrier shall terminate traffic on the LEC-to-LEC network, when such traffic was originated by or with the use of feature group A, B or D protocol trunking arrangements.

(5) No traffic aggregator shall place traffic on the LEC-to-LEC network, except as permitted in this chapter.

(6) Nothing in this chapter shall be construed to alter, or otherwise change, the record creation, record exchange, or billing processes currently in place for traffic carried by interexchange carriers using feature groups A, B, or D protocols.

(7) All carriers with existing interconnection agreements allowing for the exchange of traffic placed on the LEC-to-LEC network shall take appropriate action to ensure compliance with this chapter unless the commission has granted a variance from the requirements of this chapter.

4 CSR 240-29.040 Identification of Originating Carrier for Traffic Transmitted over the LEC-to-LEC Network

PURPOSE: The purpose of this rule is to establish a proper means of identifying to transiting and terminating carriers all carriers who originate traffic that is transmitted over the LEC-to-LEC network.

(1) All telecommunications companies that originate traffic that is transmitted over the LEC-to-LEC network shall deliver originating caller identification with each call that is placed on the LEC-to-LEC network.

(2) All telecommunications carriers that transit LEC-to-LEC traffic for another carrier shall deliver originating caller identification to other transiting carriers and to terminating carriers.

(3) Nothing in this chapter shall be construed to alter, or otherwise change, the originating record creation, record exchange, and billing processes currently in place for telecommunications traffic transited by incumbent local exchange carriers on behalf of other incumbent local exchange carriers, except that such originating records created shall be category 11-01-XX records when requested by a terminating carrier.

(4) When transiting traffic for any carrier other than an incumbent local exchange carrier, originating tandem carriers shall, for each compensable call, create and make the following available upon request by a terminating carrier, at no charge to the terminating carrier:

(A) A category 11-01-XX record or, if no Carrier Identification Code is available, a Missouri-specific category 11-01-XX record.

(B) Nothing in (A) above shall preclude two carriers from mutually agreeing to exchange other types of billing records.

(C) A list of originating carriers connected to their tandem switch who originate traffic on the LEC-to-LEC network. The originating tandem carrier will ensure this list of originating carriers is readily accessible to any carrier involved in the completion of such calls. The originating tandem carrier will maintain the following information for carriers using its tandem switch to originate traffic on the LEC-to-LEC network:

1) The name of the originating carrier plus the name, mailing address, telephone number and electronic address of an individual responsible for contacts regarding LEC-to-LEC network traffic billing and payment inquiries.

(5) All traffic aggregators shall deliver originating caller identification to the transiting and/or terminating carriers for each call that the traffic aggregator places on the LEC-to-LEC network. Traffic aggregators shall be required to create 11-01-XX records for all compensable telecommunications traffic placed on the LEC-to-LEC network on behalf of other carriers. Traffic aggregators shall also ensure that originating carrier information, as identified in subsection (4) (C), is maintained and provided in a timely manner to the originating tandem

carrier and terminating carrier for any traffic placed on the LEC-to-LEC network by the traffic aggregator on behalf of another telecommunications company.

(6) The originating telephone number shall be the telephone number of the end user responsible for originating the telephone call. Under no circumstances in sections (1), (2), (3), (4) and (5) above shall any carrier substitute an originating telephone number other than the telephone number of the end user responsible for originating the telephone call.

4 CSR 240-29.050 Option to Establish Separate Trunk Groups for LEC-to-LEC Telecommunications Traffic

PURPOSE: The purpose of this rule is to enable terminating carriers to establish trunking arrangements for LEC-to-LEC traffic separate and distinct from trunking arrangements used for IXC traffic.

(1) At its discretion, a terminating carrier may elect to establish separate trunk groups for IXC and LEC-to-LEC traffic. Terminating tandem carriers shall work cooperatively with, and abide by requests of, terminating carriers to establish separate trunking arrangements for IXC and LEC-to-LEC traffic occurring between a terminating tandem carrier and a terminating end office.

(2) A transiting carrier may opt to not install separate trunk groups to a requesting terminating carrier if the transiting carrier assumes financial responsibility for all compensable transiting traffic delivered to the terminating carrier.

(3) All terminating carriers electing to create category 11-01-XX records shall establish a trunk group for LEC-to-LEC traffic that is separate from trunk groups for IXC traffic. Such LEC-to-LEC trunk group shall be used to connect the end office to the tandem serving that end office.

(4) After a terminating carrier elects to establish separate trunk groups for IXC and LEC-to-LEC traffic, IXC traffic shall not be placed on the LEC-to-LEC trunks between the terminating tandem carrier and terminating end office.

4 CSR 240-29.060 Special Privacy Provisions for End Users Who Block Their Originating Telephone Number

PURPOSE: The purpose of this rule is to ensure end user privacy of blocked numbers, and to ensure that blocked numbers are available to terminating carriers for record creation purposes, without disclosure to the called party.

(1) All originating carriers shall permit per-call blocking only in instances when the calling end user dials star 67 (*67, or 1167 from a rotary dial telephone), prior to dialing the telephone number.

- (2) All originating carriers shall permit per-line blocking only for authorized federal, state, and local law enforcement agencies and private, nonprofit, tax-exempt domestic violence intervention agencies, and the employees of each who have a need for such blocking. When receiving a request for per-line blocking, each telecommunications company shall determine whether the request has been made by an authorized law enforcement or domestic violence intervention agency. Only after verification that a per-line blocking request satisfies this rule requirement may a telecommunications company enable per-line blocking.
- (3) In all instances of per-call and per-line caller I.D. blocking, all originating carriers, transiting carriers, and traffic aggregators shall transmit the caller I.D. to the terminating carrier by the use of facilities designed to ensure that caller I.D. is not disclosed to the called party.
- (4) In all instances of per-call and per-line blocking, terminating carriers shall neither deliver nor disclose the calling party's caller I.D. to the called party, but shall use such information solely for determining the jurisdictional and billing nature of the traffic.

4 CSR 240-29.070 Special Provisions for Wireless-Originated Traffic Transmitted over the LEC-to-LEC Network

PURPOSE: The purpose of this rule is to establish provisions for the use of the LEC-to-LEC network by wireless carriers who elect to terminate traffic by the use of the LEC-to-LEC network.

- (1) The demarcation point for determining whether wireless-originated calls are intraMTA or interMTA shall be the location of the cellular site where the mobile call originates. It is acknowledged that technical limitations of wireless carriers' equipment may render the establishment of a demarcation point impossible for certain wireless-originated calls.
- (2) Interstate, interMTA wireless-originated traffic shall be routed by wireless carriers to the facilities of an interexchange carrier.

4 CSR 240-29.080 Use of Terminating Record Creation for LEC-to-LEC Telecommunications Traffic

PURPOSE: The purpose of this rule is to establish a system of terminating record creation between carriers for LEC-to-LEC traffic.

- (1) Terminating carriers may utilize information received from originating and/or transiting carriers to prepare category 11-01-XX records to generate accurate billing invoices for submission to originating carriers. All such billing invoices submitted by terminating carriers shall be generated and based upon category 11-01-XX records and such records shall be made available to the originating carrier upon request at no charge. Originating carriers are required to compensate terminating carriers on the basis of such accurate invoices.

(2) A terminating carrier may identify the originating carrier that it bills based on the originating operating company number (OCN) associated with the originating caller identification number. Certain type I wireless interconnections may utilize blocks of fewer than one thousand (1,000) numbers; in such instances, wireless-originated calls may be attributed to wireline carriers. In the event that the terminating carrier, using the OCN identified in the local exchange routing guide, erroneously bills a carrier other than the originating carrier, then the carrier whose OCN was identified shall notify the terminating carrier, and the parties shall work jointly to identify the originating carrier.

(3) Nothing in Section (1) above shall preclude two carriers from mutually agreeing to exchange other types of billing records.

4 CSR 240-29.090 Time Frame for the Exchange of Records, Invoices, and Payments for LEC-to-LEC Network Traffic

PURPOSE: The purpose of this rule is to establish minimum standards for submission of billing records, invoices, and payments between carriers who originate, transit, and/or terminate LEC-to-LEC traffic.

(1) All telecommunications companies responsible for creating and/or submitting LEC-to-LEC network billing records shall submit such records in a timely manner on or about the same day each month. This requirement shall not preclude companies from mutually establishing individual record creation cycles for individual originating carriers.

(2) Upon receiving a correct invoice requesting payment for terminating traffic placed on the LEC-to-LEC network, the originating carrier shall submit payment within thirty (30) days to the telecommunications company that submitted the invoice.

(3) All telecommunications companies subject to this chapter shall retain call detail records in a retrievable electronic format for not less than twelve months following call completion. In the event any calls become the subject of an objection to payment invoice, or an audit, such records shall be retained for at least ninety (90) days after completion thereof.

4 CSR 240-29.100 Objections to Payment Invoices

PURPOSE: The purpose of this rule is to establish a procedure for objecting to payment of invoices received for terminating LEC-to-LEC network telecommunications traffic.

(1) Objections to invoices received for terminating LEC-to-LEC traffic shall be made in writing or e-mail to the terminating carrier. Questions pertaining to such invoices may be submitted by telephone.

(2) All objections under this rule shall be promptly investigated by the terminating carrier responsible for sending payment invoices. The results of all such investigations shall be reported back to the objecting party in writing or by e-mail no later than thirty (30) days after receipt of the objection. A written or e-mail correspondence showing a summary or results of all such

investigations must be provided by the terminating company to the manager of telecommunications, Missouri Public Service Commission.

(3) In the event any terminating local exchange carrier in any billing period or periods receives billing records for compensable traffic that are less than the total terminating compensable traffic received and recorded by the terminating local exchange carrier for that period or periods ("unidentified traffic"), the terminating local exchange carrier may render a written or e-mail objection to the receipt of the unidentified traffic to the terminating tandem carrier across whose facilities the terminating local exchange carrier believes such unidentified traffic was transited. Such objection need not be in the form of an invoice. Within twenty (20) days after receipt of such objection, the terminating tandem carrier shall in turn notify all carriers it believes may have placed or transited the unidentified traffic on the LEC-to-LEC network. Objections and notifications informing carriers of unidentified terminating traffic shall be promptly investigated by all carriers that receive them. The objecting carrier, tandem carriers, and originating carriers shall work cooperatively and in good faith and shall provide complete and accurate billing records to the objecting terminating local exchange carrier. The terminating local exchange carrier shall make available the ANI and such other information relating to such unidentified traffic as is in its possession. All carriers shall make full disclosure of their positions, and evidence in support thereof, to all other carriers participating in the investigation, and to the manager of telecommunications, Missouri Public Service Commission, and shall make duplicates of such evidence and information available to all participants. Within sixty (60) days after the objection is made, the results of such investigation shall be reported back to all carriers concerned, and written or e-mail correspondence showing a summary of results of the investigations shall be provided by all involved carriers to the manager of telecommunications, Missouri Public Service Commission. In the event the carriers cannot agree on a common report, each carrier may submit its own report.

(4) In the event any objection to invoice, or any objection to the receipt of unidentified traffic, remains unresolved or uncompensated for more than thirty (30) days following provision of investigation reports to the manager of telecommunications, Missouri Public Service Commission, the carrier rendering the invoice, or the carrier objecting to the receipt of unidentified traffic, may initiate the following intercarrier compensation complaint process applicable to traffic placed on the LEC-to-LEC network:

a. After having complied with (3) and (4) above, the objecting carrier may file a formal complaint in accordance with 4 CSR 240-2.070. Said complaint may name as respondents any or all carriers participating in the investigation process, and any carriers notified of the investigation process but not participating in it. Tandem carriers named as parties in such complaint shall have thirty (30) days from being served to identify and name as additional parties respondent any other carriers that may have originated or transited such unidentified traffic. Such carriers shall be served with the complaint and pleading naming them as additional parties in the same manner as is described in 4 CSR 240-2.070 (7), and shall answer within thirty (30) days of the date of notice as provided therein.

b. Within thirty (30) days after all answers are filed, or within thirty (30) days of the last date for timely answer, the commission will set the matter for evidentiary hearing without the need for prefiled testimony.

c. Within twenty (20) days after the conclusion of said hearing the regulatory law judge assigned shall file a recommended decision to the commission, and serve copies thereof on each party. Said recommended decision shall address and resolve objections to invoices, and shall address and resolve objections to the receipt of unidentified traffic, and may find originating carriers or originating tandem carriers liable to the terminating LEC for unidentified traffic.

d. Each party shall have twenty (20) days from the filing of the recommended decision in which to file a response to the recommended decision. In the event no party responds, the recommended decision shall be the decision of the commission. In the event any party does respond, the commission shall thereafter consider the recommended decision and the responses thereto, and enter its decision within thirty (30) days of the filing of responses to the recommended decision.

4 CSR 240-29.110 Duty to File Tariffs for Compensable Telecommunications Traffic in the Absence of Commission-Approved Interconnection Agreements

PURPOSE: The purpose of this rule is to establish a uniform system of charges for telecommunications traffic terminating over the LEC-to-LEC network, when such traffic is not covered by a commission-approved interconnection agreement.

(1) In the absence of a commission-approved interconnection agreement, all local exchange carriers seeking compensation for terminating traffic that traverses the LEC-to-LEC network shall file tariffs establishing the rates, terms, and conditions for all compensable terminating traffic, including intraMTA telecommunications traffic. Upon the effective date of this rule, local exchange carriers who are terminating traffic that traverses the LEC-to-LEC network and who seek compensation for such traffic, shall have 90 days to submit such tariffs to the commission for approval, unless such tariffs are currently pending, or have been previously approved.

(2) All invoices for termination of telecommunications traffic placed on the LEC-to-LEC network shall be prepared pursuant to the terms of the terminating carrier's commission-approved tariff or applicable interconnection agreement.

4 CSR 240-29.120 Blocking Traffic of Originating Carriers and/or Traffic Aggregators by Transiting Carriers

PURPOSE: The purpose of this rule is to establish parameters and procedures enabling transiting carriers to block traffic of originating carriers and/or traffic aggregators who fail to comply with rules pertaining to LEC-to-LEC traffic.

- (1) In all instances of traffic blocking, originating carriers and traffic aggregators may utilize alternative methods of delivering the blocked traffic to terminating carriers. Such methods may include interconnection agreement negotiations for transiting traffic, direct interconnection with terminating carriers, or contracting with interexchange carriers for traffic delivery.
- (2) A transiting carrier may block any or all LEC-to-LEC traffic it receives from an originating carrier and/or traffic aggregator who fails to fully compensate the transiting carrier or who fails to deliver originating caller identification to the transiting carrier. Additionally, the transiting carrier may block any or all additional LEC-to-LEC traffic it receives from an originating carrier and/or traffic aggregator who fails to compensate the transiting carrier for the costs associated with establishing blocking arrangements made pursuant to this rule, whether or not such blocking actually occurred.
- (3) The transiting carrier shall provide all affected carriers, including, but not limited to, the originating carrier and/or traffic aggregator, and the manager of the telecommunications department of the MoPSC, written notice by certified mail at least thirty (30) days prior to implementing blocking. Such notification shall clearly indicate the reason(s) for certain traffic to be blocked, the date the traffic block will begin, an explanation of what action the originating carrier and/or traffic aggregator should take to prevent any traffic from being blocked, when this corrective action must be completed, and the person to contact to obtain further information. Such notice shall also clearly indicate that the blocking will be done pursuant to rules of the MoPSC. The originating carrier and/or traffic aggregator shall compensate the transiting carrier for any blocking preparation and/or implementation work performed to implement blocking, even if blocking is ultimately not implemented. Such blocks will not be instituted on weekends or holidays, or on a day immediately preceding a weekend or holiday.
- (4) Upon receipt of notice that its traffic is subject to blocking, a wireline carrier shall determine whether to use alternate means of delivering the traffic that is subject to blocking. If the wireline carrier elects not to use an alternate means of delivering the traffic, the wireline carrier shall, within fifteen (15) days after receipt of notice, notify all potentially affected end users in writing that calls to affected NPA-NXXs may be blocked. A copy of such written notification shall be provided to the manager of the telecommunications department of the MoPSC. In lieu of such customer notification, the originating carrier and/or traffic aggregator may proceed according to sections (5) and (6) following.
- (5) If an originating carrier and/or traffic aggregator disputes a proposal where some or all of its LEC-to-LEC traffic would be blocked by a transiting carrier, the originating carrier and/or traffic aggregator should immediately seek formal action by the commission through the filing of a formal complaint. Such a complaint shall provide all relevant evidence refuting any stated reasons for blocking such traffic. Such complaint shall include a request for expedited resolution.
- (6) If an originating carrier and/or traffic aggregator files a formal complaint, the transiting carrier will cease blocking, pending the commission's decision. In all instances of blocking by a

transiting carrier, the costs associated with blocking shall be borne by the originating carrier and/or traffic aggregator.

(7) It is recognized that, at the time of call placement, transiting carriers cannot distinguish UNE-P traffic from the traffic of the incumbent whose facilities are being utilized by the UNE-P provider. Transiting carriers who desire to block UNE-P traffic shall file a formal complaint with the commission seeking such blockage. All such formal complaints shall name the relevant UNE-P provider as well as the incumbent carrier whose facilities are being used to provide UNE-P service. All such formal complaints shall be filed pursuant to the commission's procedures for filing formal complaints, and shall set forth complete details including, but not limited to, any violation of commission rules or Missouri statutes alleged to have occurred. Such formal complaint shall also state what action and relief the complainant seeks from the commission. Such requested relief may include complete blockage of the UNE-P provider's service by the incumbent local exchange carrier whose facilities are being used. All such formal complaints shall request expedited consideration.

4 CSR 240-29.130 Requests of Terminating Carriers for Originating Tandem Carriers to Block Traffic of Originating Carriers and/or Traffic Aggregators

PURPOSE: The purpose of this rule is to establish parameters and procedures for terminating carriers to request that originating tandem carriers block traffic of originating carriers and/or traffic aggregators who fail to comply with rules pertaining to traffic traversing the LEC-to-LEC network.

(1) In all instances of traffic blocking, originating carriers and traffic aggregators may utilize alternative methods of delivering the blocked traffic to terminating carriers. Such methods may include interconnection agreement negotiations with terminating carriers for transiting traffic, direct interconnection with terminating carriers, or contracting with interexchange carriers for traffic delivery.

(2) A terminating carrier may request the originating tandem carrier to block, and upon such request the originating tandem carrier shall block, the originating carrier's LEC-to-LEC traffic, if the originating carrier has failed to fully compensate the terminating carrier for terminating compensable traffic, or if the originating carrier has failed to deliver originating caller identification to the transiting and/or terminating carriers.

(3) If the traffic aggregator has failed to deliver originating caller identification to the transiting and/or terminating carrier, a terminating carrier may request the originating tandem carrier to block, and upon request the originating tandem carrier shall block, the traffic aggregator's LEC-to-LEC traffic.

(4) The terminating carrier shall provide all affected carriers, including but not limited to, the originating carrier and/or traffic aggregator, the transiting carrier, and the manager of the telecommunications department of the commission, written notice by certified mail at least thirty (30) days prior to the date the terminating carrier requests blocking to occur. Such notification shall clearly indicate the reason(s) for certain traffic to be blocked, the date the traffic is

requested to be blocked, an explanation of what action the originating carrier and/or traffic aggregator should take to prevent any traffic from being blocked, when this corrective action must be completed, and the person to contact to obtain further information. Such notice shall also clearly indicate that the blocking will be done pursuant to rules of the MoPSC. The terminating carrier shall compensate the originating tandem carrier for any blocking preparation and/or implementation work performed to implement blocking, even if blocking is ultimately not implemented.

(5) Following notification pursuant to section (4) above, and upon written request by a terminating carrier, the originating tandem carrier will be required to block LEC-to-LEC traffic of an originating carrier and/or traffic aggregator to the terminating carrier. Such requests shall be based on the terminating carrier's representation that the originating carrier and/or traffic aggregator has failed to fully compensate the terminating carrier for terminating compensable traffic, or that the originating carrier and/or traffic aggregator has failed to deliver originating caller identification to the transiting and/or terminating carriers. The originating tandem carrier shall not be liable for any blocking work performed at the request of the terminating carrier.

(6) If the terminating carrier requests the originating tandem carrier to block LEC-to-LEC traffic of an originating carrier and/or traffic aggregator, the date and time whereby traffic will be blocked shall be mutually agreed upon by the terminating carrier and the originating tandem carrier. Such blocks will not be initiated on weekends or holidays, or on a day immediately preceding a weekend or holiday. Unless otherwise agreed to by both the terminating carrier and originating tandem carrier, the originating tandem carrier shall implement the block within forty-five (45) days after receipt of the request to block.

(7) In supplement or as an alternative to blocking, a terminating carrier may require the originating carrier, as a condition of continued service, to place into escrow sufficient monies to recover any disputed or unpaid amounts.

(8) Upon receipt of notice that its traffic is subject to blocking, wireline carriers shall determine whether to use alternate means of delivering the traffic that is subject to blocking. If the wireline carrier elects not to use alternate means of delivering the traffic, the wireline carrier shall, within fifteen (15) days after receipt of notice, notify its potentially affected end users in writing that calls to affected NPA-NXXs may be subject to blocking. A copy of such written notification shall be provided to the manager of the telecommunications department of the MoPSC. In lieu of such customer notification, the originating carrier and/or traffic aggregator may proceed according to sections (9) and (10) following.

(9) If an originating carrier and/or traffic aggregator wishes to dispute a proposal whereby some or all of its LEC-to-LEC traffic would be blocked by an originating tandem carrier or where the terminating carrier has required that disputed or unpaid amounts be placed into escrow, the originating carrier and/or traffic aggregator should immediately seek action by the commission through the filing of a formal complaint. Such a complaint shall provide all relevant evidence refuting any stated reasons for blocking such traffic or placing disputed charges into escrow. Such complaint shall include a request for expedited resolution.

(10) If an originating carrier and/or traffic aggregator file(s) a formal complaint, the terminating carrier and originating tandem carrier shall cease blocking preparations, pending the commission's decision. In all instances of blocking requests by a terminating carrier, the costs associated with blocking shall be borne by the terminating carrier, even if blocking is ultimately not implemented. The obligation to establish an escrow account will also cease, pending further direction from the commission.

(11) Nothing in sections (1) through (10) above shall require transiting carriers to block UNE-P traffic. It is recognized that, at the time of call placement, transiting carriers cannot distinguish UNE-P traffic from the traffic of the incumbent whose facilities are being utilized by the UNE-P provider. Terminating carriers who desire transiting carriers to block UNE-P traffic shall file a formal complaint with the commission seeking such blockage. All such formal complaints shall name the relevant UNE-P provider, the transiting carrier(s) involved, and the incumbent carrier whose facilities are being used to provide UNE-P service. All such formal complaints shall be filed pursuant to the commission's procedures for filing formal complaints, and shall set forth complete details including, but not limited to, any violation of commission rules or Missouri statutes alleged to have occurred. Such formal complaint shall also state what action and relief the complainant seeks from the commission. Such requested relief may include complete blockage of the UNE-P provider's service by the incumbent local exchange carrier whose facilities are being used. All such formal complaints shall request expedited consideration.

4 CSR 240-29.140 Blocking Traffic of Transiting Carriers by Terminating Carriers

PURPOSE: The purpose of this rule is to establish parameters and procedures for blocking traffic by terminating carriers if transiting carriers fail to comply with rules pertaining to traffic traversing the LEC-to-LEC network.

(1) In all instances of traffic blocking, transiting carriers may utilize alternative methods of delivering the blocked traffic to terminating carriers. Such methods may include interconnection agreement negotiations for transiting traffic, direct interconnection by originating carriers and/or traffic aggregators with terminating carriers, or contracting with interexchange carriers for traffic delivery.

(2) Pursuant to section (3) below, the terminating carrier may block LEC-to-LEC traffic from a transiting carrier if the transiting carrier has failed to comply with rules pertaining to traffic traversing the LEC-to-LEC network including, but not limited to, ensuring that originating caller identification is being delivered to the terminating carrier.

(3) If the terminating carrier is unable to agree with the transiting carrier on blocking or other resolution of the issue, the terminating carrier will formally notify, via certified mail, the transiting carrier and the manager of the telecommunications department of the commission of the terminating carrier's intent to block traffic delivered by the transiting carrier. Such notice shall clearly indicate that the blocking will be done pursuant to the rules of the Missouri Public Service Commission and shall clearly indicate the reason(s) for certain traffic to be blocked, the date the traffic block will begin, an explanation of what action the transiting carrier should take to prevent any traffic from being blocked, when this corrective action must be completed, and

the person to contact to obtain further information. Such blocks shall not be instituted on weekends or holidays, or on a day immediately preceding a weekend or holiday. Such blocks will not be implemented before forty-five (45) days after receipt of written notice.

(4) Upon receipt of notice that its transiting traffic is subject to blocking by terminating carriers, transiting carriers shall notify all telecommunications companies for whom the transiting carrier is contractually obligated to transit traffic. Such notices shall include, but shall not be limited to, resellers of local exchange service and providers of UNE-P services. Such notices shall also include, but shall not be limited to, all originating carriers, traffic aggregators, and other transiting carriers with whom the transiting carrier has established direct interconnection of facilities. Such notices shall be sent via certified mail within seven days from the receipt of notice from the terminating carrier.

(5) Upon receipt of notice that its traffic is subject to blocking, wireline carriers shall determine whether to use alternative means of delivering the traffic that is subject to blocking. If the wireline carrier elects not to use an alternate means of delivering the traffic, the wireline carrier shall, within fifteen (15) days, notify all potentially affected end users in writing that calls to affected NPA-NXXs may be blocked. A copy of such written notification shall be provided to the manager of the telecommunications department of the MoPSC. In lieu of such customer notification, the originating carrier and/or traffic aggregator may proceed according to sections (6) and (7) following.

(6) If a transiting carrier wishes to dispute a proposal whereby some or all of its LEC-to-LEC traffic would be blocked by a terminating carrier, the transiting carrier should immediately seek action by the commission through the filing of a formal complaint. Such a complaint shall provide all relevant evidence refuting any reasons for blocking such traffic. Such complaint shall include a request for expedited resolution.

(7) If the transiting carrier files a formal complaint, the terminating carrier will cease blocking, pending the commission's decision. In all instances of blocking by a terminating carrier, the costs associated with blocking shall be borne by the terminating carrier, even if blocking is ultimately not implemented.

4 CSR 240-29.150 Confidentiality

PURPOSE: The purpose of this rule is to ensure the confidentiality of customer proprietary network information.

(1) Any information that would constitute either recorded usage data or customer proprietary network information (CPNI) of a telecommunications company's customers pursuant to the Telecommunications Act and the rules and regulations of the Federal Communications Commission (FCC) is deemed to be "confidential information." For purposes of this rule, the "recipient" is the party that directly or indirectly receives confidential information, and the "discloser" is the party that creates and/or passes confidential information to another party.

- (2) The recipient must:
- i. use confidential information only for intercompany billing purposes;
 - ii. hold confidential information in confidence and disclose it to no one other than its employees having a need to know for intercompany billing purposes;
 - iii. safeguard confidential information from unauthorized use or disclosure using at least the same degree of care with which the recipient safeguards its own confidential information; and
 - iv. obtain the written consent of the discloser before disclosing any confidential information to a third party.

(3) The recipient may make copies of confidential information only as reasonably necessary to perform its obligations under this rule. All such copies will be subject to the same restrictions and protections as the original and will bear the same copyright and proprietary rights notices as are contained in the original.

4 CSR 240-29.160 Audit Provisions

PURPOSE: The purpose of this rule is to establish parameters and procedures for the audit of certain intercompany billing records.

(1) A telecommunications company who receives records from another telecommunications company for billing may perform a comprehensive review of the record process utilized for providing billing records that are issued for payment of compensable traffic.

(2) The telecommunications company requesting the audit shall have the right, through its authorized representatives, to perform an audit, during normal business hours, of the records and processes which contain information and standards provided in this chapter. Within thirty (30) days from a request, the telecommunications companies involved in the audit shall agree upon the scope of the audit, the documents and processes to be reviewed, and the time, place and manner in which the audit will be performed. The telecommunications company being audited shall provide audit support, including reasonable access to and use of facilities (e.g. conference rooms, telephones, copying machines). If the parties to the audit cannot agree upon any aspect of the audit, such dispute shall be referred to the commission for resolution.

(3) Each telecommunications carrier shall bear its own costs in connection with the conduct of the audit.

(4) Adjustments, credits or payments shall be made, and any correcting action shall commence, within thirty (30) days from the requesting telecommunications company's receipt of the final audit report to compensate for any errors or omissions that are disclosed by such an audit, and are agreed to by the telecommunications companies.